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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,422	03/31/2004	Ratinder Paul Singh Ahuja	6897P006	8851

8791 7590 11/01/2007
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EXAMINER

SALOMON, PHENUEL S

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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11/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/816,422	Applicant(s) AHUJA ET AL.	
	Examiner Phenuel S. Salomon	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 25-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on August 23, 2007, in which claims 1-3, and 5 are amended, claims 6-21 are canceled, and claims 22-26 are new. Claims 1-5 and 22-26 are pending for further examination.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5, 25-26, drawn to graphical user interface for a capture system, classified in 715, subclass 738
 - II. Claims 22-24, drawn to capture data packets from a data stream, classified in class 709, and subclass 236.
3. Inventions I and II are related as sub-combination disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. In the instant case, invention I has separate utility such as graphical user interface for a capture system, while invention II are useable for capture data packets from a data stream. See M.P.E.P. 806.05(d).
4. These inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification. Restriction for examination purposes as indicated is proper.
5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II. Restriction for examination purposes as indicated is proper. The inventions are distinct, each from the other because of the above-mentioned reasons.

Remark

6. Currently new claims 22-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the currently new claims 22-24 are directed to capture data packets from a data stream, whereas the original claims 1-5 and 25-26 are directed to graphical user interface for a capture system. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 22-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

7. The previous objection to the specification has been withdrawn pursuant to applicant's amendment.

8. The previous objection to the claim 6 has been withdrawn pursuant to claim cancellation.

9. The previous objection to the drawings has been withdrawn pursuant to applicant's amendment.

10. The rejection of claims 1-5, 7-10, 12-15, and 17-20 under 35 U.S.C. §112 first paragraph, as not being enable by the specification has been withdrawn as pursuant to the applicant's amendment and claims cancellation.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 and 25 are rejected under 35 U.S.C. 101 because of non-functional descriptive material.

The claimed invention is drawn to a list of items that are shown on a window (a search editor view and capture rule view) which are just descriptive material, but there are non-functional. Furthermore, the “graphical user interface” appears to be claiming computer program per se. Since it is not embodied on a computer readable medium, claiming computer program alone would be non-statutory.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 (e) that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-3 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Biebesheimer (US 2002/0107843 A1)

Claim 1: Biebesheimer discloses a graphical user interface (GUI) for a capture system, the GUI comprising:

a search editor view to enable parameters of a search of tags of objects captured by the capture system to be defined (p.3, ¶ [0030] lines 17-30), the capture system to intercept and store network transmitted objects according to a capture rule (context vector, results viewing, selection behavior constitute the rule); (p.5, ¶ [0045]).

a capture rule view (gui) to enable parameters of the capture rule to be defined (p.7, ¶ [0065]).

Claim 2: Biebesheimer discloses the GUI of claim 1 above, wherein the parameters definable through the search editor view include both indexed (adaptive indexing resource solution and lookup) (p.3, ¶ [0031]) and non-indexed (context parameter with a broad range of attributes) search criteria (p.3, ¶ [0033]).

Claim 3: Biebesheimer discloses the GUI of claim 1 above, wherein the definable search editor view parameters include one or more of a plurality of search criteria, the search criteria comprising: a content type, a protocol (inherent for a network environment), a keyword (search term); and a word pattern (p.6, ¶ [0062], lines 20-34).

Claim 26: Biebesheimer discloses a method comprising: presenting a graphical user interface (GUI) for a capture system, wherein the GUI comprises one or more views including,

a search editor view to enable parameters of a search of tags of objects captured by the capture system to be defined (p.3, ¶ [0030] lines 17-30), the capture system to intercept and store network transmitted objects according to a capture rule (context vector, results viewing, selection behavior constitute the rule); (p.5, ¶ [0045]); and

a capture rule view (gui) to enable parameters of the capture rule to be defined (p.7, ¶ [0065]).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biebesheimer et al. (US 2002/0107843 A1) in view of Khan (US 7,185,192 B1).

Claim 4: Biebesheimer discloses the GUI of claim 3 above, but does not explicitly disclose the search criteria include a source address, a destination address, a size range, and a temporal range. However, Kahn discloses "object attributes data field that contains values for various attributes and/or configuration information related to the object such as resource's IP address and other network attributes..." (col. 20, lines 19-44) [in a networking environment, source and destination addresses, size and temporal range are criteria that one can consider inherent]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include that feature in Biebesheimer. One would have been motivated to do so in order to give the user convenience of a wide variety of criteria to perform customized search.

16. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biebesheimer et al. (US 2002/0107843 A1) in view of Microsoft Outlook 2000 © 1995-2000, (hereinafter Outlook).

Claim 5: Biebesheimer discloses the GUI of claim 1 above, wherein the definable parameters of the search editor view specify one or more of a plurality of search criteria, but does not explicitly disclose the search criteria comprising: an email source, an email destination, an email carbon copy, an email subject, and message keywords. However, Outlook discloses "a search criteria with different attributes field..." (Screen Shot 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include that feature in Biebesheimer. One would have been motivated to do so in order to give the user convenience of a wide variety of criteria to perform customized search.

17. Claim 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biebesheimer et al. (US 2002/0107843 A1) in view of Cook et al. (US 2004/0181513 A1).

Claim 25: Biebesheimer discloses the GUI of claim 1 above, but does not explicitly disclose the search is of tags of stored objects. However, Cook discloses "a table with tags of stored objects..." (col. 7, table 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include tags of stored objects in Biebesheimer. One would have been motivated to do so in order to facilitate index search.

Response to Arguments

18. Applicant's arguments filed on 06/14/2007 have been fully considered but they are moot in view of new ground of rejection.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory

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action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

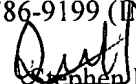
a. Omoigui (US 2004/0230572 A1) System and method for semantic knowledge retrieval, management, capture, sharing, discovery, delivery and presentation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M.(Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272 4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PSS
10/19/2007


Stephen Hong
Supervisory Primary Examiner